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UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

FILED
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PALOMAR MEDICAL TECHNOLOGIES, INC.,

Plaintiff,

v.

ALMA LASERS,

Defendant.

U.S. DISTRICT COURT
 DISTRICT OF MASS.

06 CA 11171 PBS

Civil Action No.

JURY DEMANDED

COMPLAINT

MAGISTRATE JUDGE Serotin

INTRODUCTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. Plaintiff Palomar Medical Technologies, Inc. ("Palomar") is a Delaware corporation with a principal place of business at 82 Cambridge Street, Burlington, Massachusetts 01830.

3. Upon information and belief, Defendant Alma Lasers ("Alma") is a Delaware corporation, with a principal place of business at 6555 NW 9th Avenue, Suite 303, Fort Lauderdale, Florida 33309.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over Palomar's claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District under 28 U.S.C. §§ 1400(b). Alma has transacted business and committed acts of infringement in this District, and this action arises from the transaction of that business and infringement.

FIRST CLAIM FOR RELIEF
(Patent Infringement)

6. Palomar is the exclusive licensee of U.S. Patent No. 5,595,568 ("the '568 patent") entitled "Permanent Hair Removal Using Optical Pulses," which is assigned to The General Hospital Corporation ("MGH"). The '568 patent was duly and legally issued on January 21, 1997.

7. Under U.S.C. § 271(a) and (b), Alma has and continues to infringe and induce infringement of the '568 patent, including without limitation, by making, using, selling and offering for sale products using light-based technology for hair removal, including but not limited to the Harmony™, Sonata™, and Soprano™ systems.

8. Upon information and belief, Alma's infringement has been and continues to be willful and deliberate.

9. As a result of Alma's infringement, Palomar will suffer severe and irreparable harm, unless infringement is enjoined by this Court, and has suffered substantial damages.

SECOND CLAIM FOR RELIEF
(Patent Infringement)

10. Palomar is the exclusive licensee of U.S. Patent No. 5,735,844 (“the ‘844 patent”), entitled “Hair Removal Using Optical Pulses,” which is assigned to MGH. The ‘844 patent was duly and legally issued on April 7, 1998.

11. Under U.S.C. § 271(a) and (b), Alma has and continues to infringe and induce infringement of the ‘568 patent, including without limitation, by making, using, selling and offering for sale products using light-based technology for hair removal, including but not limited to the Harmony™, Sonata™, and Soprano™ systems.

12. Upon information and belief, Alma’s infringement has been and continues to be willful and deliberate.

13. As a result of Alma’s infringement, Palomar will suffer severe and irreparable harm, unless that infringement is enjoined by this Court, and has suffered substantial damages.

WHEREFORE, Palomar request that the Court:

14. Adjudge that Palomar is the exclusive licensee of the ‘568 patent with right to recovery thereunder, and that the ‘568 patent is good and valid in law and enforceable;

15. Adjudge that Alma has and continues to infringe and induce infringement of the ‘568 patent, and that such infringement has been willful and deliberate;

16. Preliminarily and permanently enjoin Alma, its officers, directors, employees, agents, licensees, successors, and assigns, and all persons in concert with them, from further infringement of the ‘568 patent;

17. Adjudge that Palomar is the exclusive licensee of the '844 patent with right to recovery thereunder, and that the '844 patent is good and valid in law and enforceable;

18. Adjudge that Alma has and continues to infringe and induce infringement of the '844 patent, and that such infringement has been willful and deliberate;

19. Preliminarily and permanently enjoin Alma, its officers, directors, employees, agents, licensees, successors, and assigns, and all persons in concert with them, from further infringement of the '844 patent;

20. Award Palomar compensatory damages;

21. Treble the damages assessed;

22. Award Palomar their costs and reasonable attorneys' fees; and


23. Award Palomar such other relief as the Court deems just and proper.

PLAINTIFF CLAIMS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

Respectfully submitted,

PALOMAR MEDICAL TECHNOLOGIES,
INC. and THE GENERAL HOSPITAL
CORPORATION

By their attorneys,



Wayne L. Stoner (BBO # 548015)

Vinita Ferrera (BBO # 631190)

Kate Saxton (BBO # 655903)

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street

Boston, Massachusetts 02109

(617) 526-6000

(617) 526-5000

Dated: July 7, 2006